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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ROSEMARY GARITY,

Plaintiff,

v.

USPS PMG PATRICK DONAHOE,

Defendant.

Case No. 2:11-cv-01805-RCJ-CWH

**MOTION FOR EXTENSION OF TIME**  
**(Second Request)**

The Federal Defendant USPS PMG Patrick Donahoe, by and through Daniel G. Bogden, United States Attorney, and Justin E. Pingel, Assistant United States Attorney for the District of Nevada, respectfully requests an extension of time for the Federal Defendant to answer or otherwise respond to the Amended Complaint (Doc. #12) until on or before March 8, 2012. An answer or other response is currently due on or before March 1, 2012.

In support of the instant Motion, the Federal Defendant submits the following:

1. This Motion is brought in order to accommodate the undersigned counsel for the Federal Defendant.

2. On November 9, 2011, Plaintiff filed the initial Complaint (Doc. #1). On January 18, 2012, the Federal Defendant filed a Motion to Dismiss or in the Alternative for a More

1 Definite Statement (Doc. #7). On February 6, 2012, Plaintiff filed an Opposition to the Motion  
 2 to Dismiss (Doc. #11), and also filed an Amended Complaint (Doc. #12) in both this case and in  
 3 another case in this Court (2:11-cv-01110-KJD-CWH). On February 15, 2012, the Court granted  
 4 the Federal Defendant's Unopposed Motion for Extension of Time (Doc. #15).

5 3. The Court has not ruled on the Federal Defendant's Motion to Dismiss (Doc. #7).

6 4. On February 28, 2012, undersigned counsel attempted to contact Plaintiff, by both  
 7 email and phone, to request an extension of time of one week to respond to Plaintiff's Amended  
 8 Complaint. Plaintiff did not respond.

9 5. The requested extension of time is necessary in order for Government counsel to  
 10 properly respond to the Amended Complaint. Government counsel has been consumed with  
 11 reviewing a recently transferred voluminous tort case (*Serecky v. United States of America*, 2:11-  
 12 cv-00124-RLH-VCF), in preparation for a deposition which took place on February 28, 2012,  
 13 leaving no time to devote to the response due by the extended deadline of March 1, 2012.

14 6. The instant motion is filed in good faith and not for the purposes of delay. No  
 15 further delays will be requested.

16 WHEREFORE, for the above reasons, Federal Defendant respectfully requests the instant  
 17 Motion extending time to answer or otherwise respond to the Amended Complaint until on or  
 18 before March 8, 2012, be granted.

19 Respectfully submitted this 29th day of February 2012.

20 DANIEL G. BOGDEN  
 21 United States Attorney

22 /s/Justin Pingel  
 23 JUSTIN E. PINGEL  
 24 Assistant United States Attorney

25 IT IS SO ORDERED:

26   
 27 UNITED STATES MAGISTRATE JUDGE

28 DATED: March 1, 2012

**PROOF OF SERVICE**

I, Justin E. Pingel, AUSA, certify that the following individual was served with the **MOTION FOR EXTENSION OF TIME** on this date by the below identified method of service:

**U.S. Mail**

Rosemary Garity  
3231 N. Florenza Street  
Pahrump, Nevada 89060

DATED this 29th day of February 2012.

/s/ Justin E. Pingel  
JUSTIN E. PINGEL  
Assistant United States Attorney